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SUPREME COURT OF THE UNITED STATES

October Term, A. D. 1944

No. 142

LELAND H. CAMERON,

Petitioner,

vs.

CIVIL AERONAUTICS BOARD,

Respondent.

PETITION FOR REHEARING BY PETITIONER FOR CERTIORARI.

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Comes now the above petitioner, Leland H. Cameron, and presents his petition for a rehearing of his petition for certiorari, and, in support thereof, respectfully shows:

(1) There is no evidence in the record as to essential elements in the offense charged against petitioner, and of which he was found guilty. This is stated in petitioner's original brief (pages 8-9, 17-18) and is not contradicted by respondent. Without any evidence in support of essential elements of an offense charged by respondent, as defined in respondent's Civil Air Regulations, guilt of such an offense cannot be established.

(2) Not only is there no evidence in support of essential elements of the charge against petitioner, but there is no substantial evidence supporting any elements of such

charge. This is sufficiently shown in petitioner's original and reply briefs (Original Brief, 15-17; Reply Brief, 6-8).

(3) Respondent seeks, without evidence, to deny any deviations from Civil Air Regulations in Army flying. The only evidence in the record is the statement of petitioner's superior officer that deviations were necessary in petitioner's army flights (R. 21); and petitioner's undenied statement that he had flown 1300 hours under army instructions, and had such instructions in the flight here involved (Rec. 10, 11, 12).

(4) The penalty imposed upon petitioner may appear relatively slight, and of little concern to this Court, but it has the effect of establishing his guilt of what respondent's counsel below referred to as "almost criminal." Moreover, the sentence imposed upon him expressly permits his piloting of aircraft under the orders and control of the War Department during the 30-day suspension of his civil certificate (R. 3), and lays the basis for penalizing him still further for obeying any deviating instructions when flying for the War Department in future.

(5) The petitioner exhausted his administrative remedies. Respondent claims that petitioner should have moved for reconsideration of the Board's order, or for an oral hearing after the order was entered (Respondent's Brief, 9), but admits that the Board's Rules of Practice do not so provide (Respondent's Brief 9, note 5).

For the foregoing reasons it is respectfully submitted that this petition for a rehearing be granted and the order of the Civil Aeronautics Board be set aside.

Respectfully submitted,

DANIEL D. CARMELL,
WALTER F. DODD,
Attorneys for Petitioner.

Certificate of Counsel.

I, Walter F. Dodd, one of the counsel for Leland H. Cameron, the above named petitioner, do hereby certify that the foregoing petition for rehearing of this case is presented in good faith and not for delay.

WALTER F. DODD,
Of Counsel for Petitioner.